

Appl. No. 10/593,747
Prelim. Amdt. dated May 23, 2011
Entry of Amendment in RCE filed May 23, 2011

REMARKS

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Brian K. Johnson, Esq. at (732) 371-4123 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

This preliminary amendment is being submitted in response to the Advisory Action mailed May 13, 2011 in this case since the material submitted in the Amendment after Final, submitted April 20, 2011, was not admitted in the case. The Examiner is earnestly requested to submit this preliminary amendment and provide all required processing of the same in consideration of the RCE filed herewith.

Specification amendments

Various minor amendments have been made to the specification. No new matter has been added.

Reference to paragraph numbers or line numbers for the present invention will be based on the paragraph numbers included in the original application submission.

Claims

Claims 1 and 4-10 are presently in the application. Claims 2-3 have been cancelled. Claims 9-10

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have been added. Amendments have been made to claims 1 and 8 to place them in condition for allowance or in better condition for appeal. Support for the claim amendments and new claims may be found at least at page 13, line 19 through page 14, line 10, and page 5 lines 1-5 of the patent application.

Rejections under 35 U.S.C. § 103(a)

Claims 1, and 3-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Razavi (US Publication Patent Appl. No. 2004/0096622) in view of Boosalis et al (US Patent No. 4,362,698).

The Examiner states in the Final Office Action that both Razavi and Boosalis disclose slits in an elastic and a slit layer that are substantially aligned. Office Action at page 3, paragraph 4. Certain claim amendments have been included in claims 1 and 8 to address a unique feature of the present invention. In particular, the present invention has the characteristics that both of the sheets, the one having elastic property and the other having slip property, are formed with a radial shaped slits. The sheets are arranged such that the centers of the radial shaped slits of the two sheet are conformed to (aligned with) each other in the vertical direction (transverse to the sheets) and the cut portions of the radial shaped slits of are not conformed to (aligned with) each other in the vertical direction. Neither Razavi nor Boosalis disclose employing such a structure, nor does

either reference suggest such an arrangement, either alone or in combination. In fact, and commensurate with the Examiner's comments, Razavi and Boosalis actually teach away from such an arrangement through their recitation of maintaining all alignments.

One particularly advantageous result of presently claimed arrangement is that it allows improvement of the sealing ability of the tank. (See page 14, lines 1 to 5 in the specification). This effect is confirmed in the embodiment of the present invention as provided demonstrated in Table 1 and Fig. 12 of the specification (displaced type results). Additional claims have been provided to encompass this aspect.

MPEP § 2143.03 states in part "All words in a claim must be considered in judging the patentability of that claim against the prior art." Applicants respectfully submit that claims 1 and 8 (as amended) contain elements not taught or rendered obvious by the prior art whether considered singly or in combination.

MPEP § 2143.03, further states, "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." Since claims 4-7 are dependent from amended claim 1, they are also patentable.

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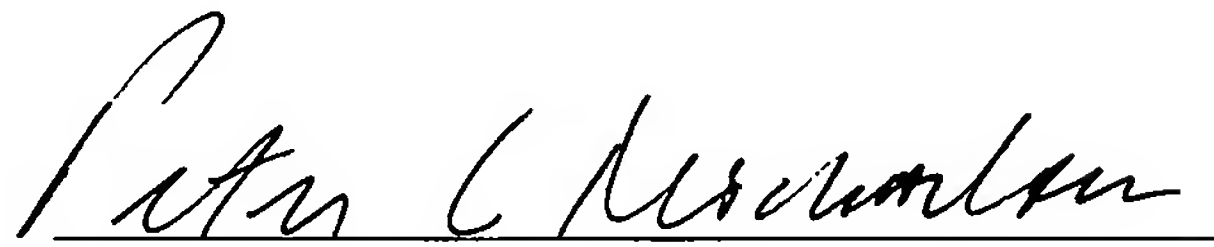
Conclusion

The Applicants believe that all the claims, as they presently stand, are in condition for allowance.

Accordingly, the Applicants now request that this amendment be entered under the provisions of 37 C.F.R. § 1.111 and earnestly solicit reconsideration of this application and its swift passage to issue.

Respectfully submitted,


May 23, 2011


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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **May 23, 2011** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature 30,090
Reg. No.